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FISCAL IMPACT STATEMENT

LS 6287

BILL NUMBER: HB 1065

NOTE PREPARED: Dec 12, 2008

BILL AMENDED:

SUBJECT: Mandatory Ignition Interlock for DUI.

FIRST AUTHOR: Rep. Crouch

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It requires a court to prohibit a person convicted of operating while intoxicated from operating a motor vehicle that is not equipped with an ignition interlock device for: (1) at least six months if the person does not have a prior conviction for operating while intoxicated; or (2) at least one year if the person has a prior conviction for operating while intoxicated.
- B. It requires a court to order the installation of an ignition interlock device if the court grants a person probationary driving privileges in connection with an operating while intoxicated offense. It also makes conforming amendments.
- C. It repeals superseded provisions.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Minimal Costs to Counties* – Counties do not incur any additional cost when a court orders a person convicted of operating a vehicle while intoxicated (OWI) to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock system on their car pay the entire costs of the operation. The average fee for installing an ignition interlock device is between \$70 and \$100, and the average cost of maintaining the device is between \$30 and \$60 per month. Current law does not require indigent persons convicted of OWI from paying to have an ignition

interlock device installed. But current law does not require the court to pay the cost of installing and maintaining an ignition interlock device either.

Under current law, courts can suspend a person's driving privileges or order the use of an ignition interlock device as a condition of probationary driving privileges if the person has no prior OWI convictions and did not refuse the test. Any other person with an OWI offense that has occurred within ten years is required to have an ignition interlock device installed during the probationary period. If a court administers disulfiram as part of a treatment program for drunk drivers, then the court is not required to install ignition interlock devices in the vehicles of drivers with prior OWIs.

As proposed, any time the sentencing court grants probationary driving privileges, the court must order that an ignition interlock device be installed in a first-time offender's personal car for six months. In addition, this bill *requires* participants in a disulfiram program to also use an ignition interlock device in their vehicles. (Disulfiram is described below).

Based on the number of suspensions of persons convicted of OWI with no priors OWI offenses, 17,000 to 20,000 new persons would be ordered to have an ignition interlock device installed in the car they are driving if they wish to retain their driving privileges.

New License Suspensions by Calendar Year of Persons with No Prior OWI Offenses				
2003	2004	2005	2006	2007
17,029	16,741	16,261	14,396	20,048

In an informal survey, Criminal Justice Institute staff reported that courts in the following counties routinely order ignition interlock devices for OWI offenders:

- Allen County
- Warrick County
- Dearborn County
- Saint Joseph County
- Tippecanoe County
- Porter County
- Clark County

Use of Disulfiram – Disulfiram is a drug that causes severe (but temporary) physical distress for persons who consume alcohol after taking the drug. Under current law, a court can only order an OWI offender to use disulfiram when the offender has had an OWI conviction within the past five years. Few courts currently use disulfiram as part of an alcohol treatment program.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts with OWI jurisdiction.

Information Sources: Bureau of Motor Vehicles; Dan Jeffries, Criminal Justice Institute; Jennifer Wagner, Indiana Judicial Center

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